

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**IN RE: TRICOR DIRECT PURCHASER  
ANTITRUST LITIGATION**

**THIS DOCUMENT RELATES TO:  
C.A. No. 05-404 (KAJ)**

**Civil Action No. 05-340 (KAJ)**  
**CONSOLIDATED**

**ECKERD CORPORATION'S OBJECTION TO DEFENDANTS' AMENDED NOTICE  
OF VIDEOTAPE DEPOSITION OF ECKERD CORPORATION PURSUANT TO  
RULE 30(B)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Plaintiff Eckerd Corporation(the “Plaintiff”), through its undersigned counsel, hereby object to the Defendants’ First Amended Notice of Videotaped Deposition of Eckerd Corporation pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure as follows:

1. Plaintiff objects to the definition of “Eckerd” as overbroad, unduly burdensome and vague. Plaintiffs further object to the definition of “Eckerd” to the extent that it includes Plaintiffs’ attorneys and consultants, affiliates and the related business entities’ attorneys, consultants, officers, directors, employees and all others purporting to act on behalf of the related business entities.

2. Plaintiff objects to Defendants' efforts to use a Rule 30(b)(6) notice as a request for documents. Eckerd will not produce any additional documents in response to the 30(b)(6) notice. Eckerd further objects to the use of the 30(b)(6) as a document request to the extent that when combined with the definition of "Eckerd" the request for documents could be construed to require Plaintiff to search for and produce documents that are in the custody and/or control of third parties.

3. Plaintiff objects to the subject matters specified in Exhibit A (specifically Topics 2, 3 and 4) to the extent that they seek information and documents relating to Plaintiff's sales, sales prices, sales terms, pricing, and profits because such subjects have no bearing on the claims or defenses in this case and will not lead to the discovery of admissible evidence. The Court has already ruled that Defendants are not entitled to "downstream discovery".

4. Plaintiff objects to the subject matters specified in Exhibit A (including Topics 3, 4 and 6) to the extent that they include products other than TriCor, Lofibra, and any other fenofibrate product.

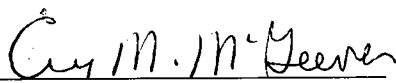
5. Plaintiff objects to Topics 4, 5, 6, 9 and 10 in Exhibit A to the extent that they seek opinions and conclusions on topics that will be the subject of expert testimony.

6. Plaintiff objects to all the subject matters specified in Exhibit A to the extent that they seek the disclosure of information and/or documents protected from discovery by the attorney-client privilege, the work-product doctrine or any other applicable privilege and/or immunity.

7. Plaintiff objects to all of the subject matters specified in Exhibit A (including Topics 1, 2, 3, 4, 5, 6, 7, 8 and 9) as overly broad, unduly burdensome and as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

8. Plaintiff objects to all of the subject matters specified in Exhibit A (including Topics 2, 3, 5, 6 and 7) as vague and confusing.

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Dated: November 3, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2006, I caused the foregoing document to be served on the following parties via CM/ECF and/or email:

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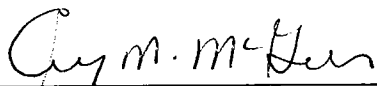
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